

REMARKS

Claims 1-45 are pending in this application. Claims 1-6, 12, 13, 15, 17-20, 22, 27, 29-32, and 45 have been amended. The Office Action of August 11, 2006 rejected claims 1-45. Applicant respectfully requests entry of the amendment and reconsideration of the pending claims.

Rejection under 35 USC §103

The Office Action rejected claims 1-45 under 35 U.S.C. 103(a) as being unpatentable over Microsoft Front Page Screen Capture (hereafter, "Front Page") in view of US Patent 6,092,068 (Dinkelaker).

As discussed in the amendment responding to the prior Office Action, the PTO has not established that either the Front Page reference or the Dinkelaker patent is prior art. The instant application claims the benefit of the filing date of U.S. Patent No. 6,259,445 which was filed on July 7, 1997. The Office Action cites a Microsoft Copyright of 1995-1999 and has not established that any of the features of Front Page cited in support of the rejections predate the effective filing date of the instant application. Consider for example that a copyright notice showing a 1999 date could mean that the very features relied upon could have all been added in 1998 or 1999. The burden of establishing the absence of a novel, nonobvious functional relationship in patent claims rests with the PTO. "If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Dinkelaker was filed on August 5, 1997 and the instant application has claimed an effective filing date of July 7, 1997. Therefore, Dinkelaker is not prior art to the claimed subject matter and there is no *prima facie* case of obviousness.

The final Office Action contends that Applicant is not entitled to the filing date of US Patent No. 6,259,445 on the apparently alleged grounds that the 6,259,445 Patent is a division of some application. However, the Office Action does not state of which application the '445 Patent is supposed to be a divisional. See final Office Action at page 12. In fact the 6,259,445 Patent does not state that it is a divisional of any other application and the present patent application claimed the benefit of the entire specification of the '445 patent. It is US Patent No.

6,724,401 that is a divisional of the '445 Patent, and that is not related to the claim for priority of the instant application. Moreover, the difference between the claims is that the present invention claims methods, machines, and manufactures in a web-based environment. There is support in the specification of the '445 Patent (filed in July 7, 1997) for the claims at issue in this examination. There have been no new matter rejections. Therefore, we must conclude that the written description in the '445 Patent fully supports the subject matter of the claims at issue.

Applicant respectfully submits that Front Page does not teach a Web-based environment. Web-based is defined as "Any software that runs on or interacts with a Web site, which may be on the Internet or on an inhouse intranet." See Freedman, *Computer Desktop Encyclopedia*, 9th Edition, Osborne/McGraw Hill (2001). There is nothing in the cited parts of the Front Page reference that suggest that it is Web-based.

The cited combination of references does not teach or suggest the elements of claim 1. Front Page provides help for a markup language; it does not assist a programmer by showing example annotations relating to how to write functional code for an application running concurrently with an example as now claimed. The claims of the instant application relate to techniques of formatting existing examples to convert keywords within the programming language examples into live look-ups of detailed explanations for those keywords of the programming language. The instant patent application is not claiming the generic link and index mechanisms of a help system as shown in FrontPage.

FrontPage is a document editor. FrontPage doesn't run examples of applications and thus cannot demonstrate user interaction while showing the annotated source code that implements the example application. The instant patent application isn't claiming user interaction *per se*, which is a generic method of computer programs, but interaction as part of the live demonstration of the runtime behavior of source code for an example application. The formatted paragraphs with tip and note labels within a FrontPage help page are not annotations of source code within an example program. The FrontPage help page explains how to style documents using the preexisting capabilities of the FrontPage editor. The help page doesn't explain the techniques for writing source code for computer applications, techniques that can be used in any editor tool. The mere act of opening a new web page in another window is not the same as

opening the annotation for a running web application. The instant patent application is not generically claiming opening web pages in new windows.

The cited combination of references does not teach or suggest the claimed element of proving dynamic interactive examples demonstrating how to accomplish a task in an application.

The cited combination of references also does not teach or suggest the claimed element of presenting an annotation page. Figures 4-6 of the Front Page reference do not teach or suggest any annotation "descriptive of a source code file" as claimed. Consider that in figure 4, the right column is not an "annotation" as claimed because it does not relate to a source code file. Instead, it is list of instructions on how to save a frames page template. It also fails to teach or suggest explanation of **code** used in the application. Again, the right column explains how to use functions in the user interface, not code of an example of an application program.

The cited combination of references does not teach or suggest the steps of: if the user selects a keyword link, presenting reference documentation associated with that keyword; and if the user selects an annotation link, presenting another annotation descriptive of another source code file of a predetermined application. The Office action cites figures 4 and 6 of Front Page as disclosing: "if the user selects a keyword link, presenting reference documentation associated with that keyword." However, neither figure 4 nor figure 6 show this claim step. In figure 4 the middle column does not show "keyword links" as claimed. The claimed keyword links are comprised by the annotation. By contrast the elements of the screen shot of figure 4 alleged to be keyword links are part of an index of topics, not a keyword list as claimed. Similarly, figure 6 only shows underlined text in the right column. It is not clear that this text is an annotation link that if selected will present another annotation descriptive of another source code file and the Office Action has not shown that this occurs. The Office Action cites figure 6 as disclosing the claimed step of "if the user selects an annotation link, presenting another annotation descriptive of another source code file of a predetermined application." Claims 1-28 are dependent on claim 1 and are patentable over the cited references at least for the reasons discussed above.

On claim 29, the Office Action contends that it is individually similar in scope to claim 1 and is rejected "under similar rationale." Applicant respectfully traverses this rejection. First, Applicant traverses the conclusion that the claim is similar in scope to claim 1 because the claim

language is different. Second, it is inappropriate to reject under a "similar" rationale because it forces Applicant to speculate on what is a similar rationale.

On claim 30, the claim has been amended to add the step of providing dynamic, interactive examples demonstrating how to accomplish a task in the application. The cited combination of references neither teaches nor suggests this step.

In addition, the Office Action cites figs. 4-6 of Front Page for the step of automatically assembling a global table of contents. However, the Office Action has not shown how anything in any of the cited figures is a **global** table of contents or how such a table would be based on the content in the environment. The final Office Action cites figures 4-7 for the claim step of providing the global table of contents. However, figure 7 does not show anything that is a local table as claimed. As claim 30 requires a local table that provides a structured hierarchical view at a local corner of an unstructured web page of links. As discussed above, neither FrontPage nor Dinkelacker teach the use of a web page as claimed. The left-hand column shows html text, the center column shows a keyword entry box, a set keyword choices, and a set of topics. The right-hand column shows an explanation of right-to-left features. Nothing in those columns teaches or suggests a local table as claimed or that orients a user within a local topic at all. Moreover, the '445 Patent discusses a table of contents window 70 at col. 6, lines 28-42 that fully supports the claimed feature and hence predates the cited prior art references.

As to claim 31, the claim was amended to specify that the predefined interactive examples are for demonstrating how to accomplish a task in the application. The cited references neither teach nor suggest this limitation. Moreover, the Office Action cites figures 8-10 for the first step of claim 31. Front Page does not provide a plurality of predefined interactive examples. FrontPage happens to display markup language tags (figure 10) but these tags relate to how the text is displayed, they are not examples at all.

As to claim 32, the claim was amended to specify that the predefined interactive example is for demonstrating how to accomplish a task in the application. Claims 33-44 are dependent on claim 32 and are also patentable for at least the same reasons for allowance as set forth with respect to claim 32. The cited references neither teach nor suggest the limitation of claim 32.

As to claim 45, the claim was amended to specify that the predefined interactive

examples are for demonstrating how to accomplish a task in the application. The cited references neither teach nor suggest this limitation. Moreover, the Office Action cites Front Page figs. 5-10 for the claimed web-browser window. However figures 5-10 do not show a web-browser that includes a content frame, a framework applet, and a table of contents frame that displays a global table of contents hierarchy of links related to content in the content frame. Likewise, Front Page does not show one or more annotations displayed in the content frame. The Office Action has not shown that Front Page discloses a content frame as claimed. As established above, the help instructions of Front Page are not annotations as claimed. In the FrontPage screen shots, the help is not providing an annotation of a working example. The help instead provides explanations for how to use the functions of the tool. FrontPage can display the formatted document without style, but the document is not a vehicle for programming applications, so there is nothing to annotate in the document.

Dinkelaker relates to electronic documents (a review tool) and does not teach or suggest modifying the FrontPage reference to make up for the subject matter admittedly missing from FrontPage. There is no executable instruction in Dinkelaker; it merely provides help for HTML tags. Moreover, there is no teaching, suggestion, or motivation in either reference to combine the references as done in the Office Action. The rationale used in the Office Action was that it would have been obvious "to prevent the confusion of the user/developer during the coding process to distinguish and minimize the choice(s) from the vast information/instruction about a particular code/task..." and the only discussion cited by the Office Action was at col. 5, lines 40-44. The final Office Action states that "the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to those of ordinary skill in the art." Final Office Action at page 14. However, the range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. See, e.g., C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." E.g., McElmurry v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed.

Cir. 1993). In the instant case there is no evidence of the required teaching.

The final Office Action asserts that “it would have been obvious to utilize the Tool Tip of Dinkelaker in the Coding Tech Support of Microsoft FrontPage to prevent confusion of the user/developer/programmer. Preventing confusion is such a general objective that if it were a legitimate reason for combining references there would be very few if any unobvious inventions in this field. In fact the rationale for the combination is not appropriate because it is not clear and particular as required. If it were appropriate then Dinkelaker is actually objective evidence of the non-obviousness of the invention because it represents the failure of others. If the rationale used in the Office Action were valid then Dinkelaker would have done what is now claimed. However, Dinkelaker did not produce Applicant’s invention or it would have been cited as anticipatory prior art. Objective evidence of non-obviousness, such as long felt but unsolved needs or failure of others must be considered if present. *Graham v. John Deere & Co.*, 383 U.S. 1 1966; *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 f.2d 1367 (Fed. Cir. 1987). Dinkelaker is thus evidence of the non-obviousness of the claimed invention.

Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and remarks.

Respectfully submitted,



Michael J. Buchenhorner

Reg. No. 33,162

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Certificate of First Class Mailing

I hereby certify that this Amendment and Response to Office Action, along with an RCE and Petition to Revive Unintentionally Abandoned Application, are being deposited with the United States Post Office as First Class Mail, addressed to the Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 5th day of March, 2007.

Michael J. Buchenhorner

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